

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANGELICA HERNANDEZ-SANCHEZ,

Plaintiff,

vs.

RALPHS GROCERY COMPANY, d/b/a
FOOD 4 LESS

Defendants.

Case No. 2:12-cv-01742-JCM-GWF

ORDER

Motion for Continuation of
Settlement Conference (#36)

This matter is before the Court on Defendant Ralphs Grocery Company dba Food 4 Less' Motion for Continuation of Settlement Conference (#36), filed on June 17, 2014.

On June 19, 2013, Plaintiff's counsel filed a motion to withdraw, which was granted. *See Dkt. #14*. On October 24, 2013, Defendant filed a Motion to Dismiss for Lack of Prosecution (#15), which was denied pursuant to Order (#20). The Court found that Plaintiff had not participated in her case in the five months following the Court's order granting Plaintiff's counsel's motion to withdraw. *See Dkt. #20*. The Court, however, denied Defendant's motion because 270 days had not yet passed since her last filing pursuant to LR 41-1. Plaintiff was cautioned that her continued failure to participate in this litigation may result in the dismissal of her claim. *Id.*

On March 19, 2014, the district judge referred this case to the undersigned to conduct a settlement conference, which was then scheduled for July 1, 2014. *See Dkt. #28, #29*. On April 30, 2014, Defendant filed a second Motion to Dismiss for Failure to Prosecute and for Discovery Sanctions (#33), which is pending before the Court. In support of its motion, Defendant alleged that Plaintiff failed to make her disclosures pursuant to Fed. R. Civ. P. 26, failed to respond to

1 discovery requests, failed to appear for her scheduled independent medical evaluation, failed to
2 appear for her properly noticed deposition, and failed to participate in the preparation of the pre
3 trial order. *See Dkt. #33*. Defendant also states that over 270 days has now passed since
4 Plaintiff's last filing and that Plaintiff has done nothing to further her case since June 19, 2013.
5 *Id.*

6 Defendant moves to continue the mandatory settlement conference due to concerns that
7 Plaintiff will not appear. Pursuant to Fed. R. Civ. P. 6(b) and LR 6, extensions of time may be
8 granted for good cause shown. Defendant states that it will cost it "considerable resources to
9 prepare for, attend, and to have a party with settlement authority travel and appear at the
10 conference." Defendant has proffered sufficient evidence to support a finding that Plaintiff will
11 not appear for the settlement conference. Accordingly,

12 **IT IS HEREBY ORDERED** that Defendant Ralphs Grocery Company dba Food 4 Less'
13 Motion for Continuation of Settlement Conference (#36) is **granted**.

14 **IT IS FURTHER ORDERED** that the settlement conference set for July 1, 2014 shall
15 be continued until after the Court rules on Defendant's motion to dismiss (#33).

16 DATED this 20th day of June , 2014.

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19 GEORGE FOLEY, JR.
20 United States Magistrate Judge
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